

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DONNA WOOD, CAELAN DOHERTY, MAX GOLDSTEIN, BRIDGET LOGAN, JAMES KYLE NEWMAN, ZIA ORAM, ALAN ROBINSON, ALEXANDRA MARIE WHEATLEY-DIAZ, individually and on behalf all others similarly situated, and CHERYL BALDWIN, JONATHAN BARRIO, DESMOND BATTIS, GARRETT BECKENBAUGH, COCHIESE BOWERS, MILES CEPLLECHA, ROBIN CEPPOS, MELINDA CIRILO, JANE CONRAD, ROBERT CORDOVA, JR., CHRISTINE DOCZY, RACHEL DOUGLAS, THERESA EDWARDS, ELIZA FINK, JASON FINKELSTEIN, ILSE MENDEZ FRAGA, JOSH FREDRICKSON, MARIA GONZALEZ, NATHANIEL ROBERT GROH, BRANDI HARRIS, PETER KAMARA, MACK KENNEDY, MADISON OLIVER MAYS, PATRICK MCHUGH, FRIDA MICHELLE NARANJO, PAUL MONTEROSSO, REY MURPHY, JOSEPH NESTOR, LUKE NICHOLAS, JOSEPHINE OLINGER, ALEC SILVESTER, DANIEL SMITH, CHRIS SOTH, AUDRA TELLEZ, CARLOS TORRES, ELLIOTT TRICOTTI, GLORIA TYLER, LAKISHA WATSON-MOORE, JESSE WEINBERG, CLEM WRIGHT, ANOOSH YARAGHCHIAN, and JESUS ZAMORA, individually,

Plaintiffs,

v.

MIKE BLOOMBERG 2020, INC.,

Defendant.

No. 20 Civ. 2489 (LTS) (GWG)

SCHEDULING ORDER

1. Appearances for the Parties:

Plaintiffs and all Opt-In Plaintiffs:

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2. Statement of Issues

The Parties propose a discovery plan to address the remaining claims in the case following the Court’s decision on Defendant’s motion to dismiss (ECF No. 258). The remaining claims consist of wage and hour claims under the Fair Labor Standards Act (“FLSA”) and state wage laws. This is a conditionally certified FLSA collective action and there are approximately 700 collective action members in the case to date. Plaintiffs also have Fed. R. Civ. P. 23 class claims for alleged state law violations in California, Illinois, Michigan, Minnesota, New York, North Carolina, and Wisconsin.

3. Proposed Schedule:

- a. Initial document requests and interrogatories have been served and the parties have already produced tens of thousands of pages of documents.
- b. The Court will not set a deadline for joining parties but will instead apply the requirements of Rule 15. See *Soroof Trading Dev. Co. v. GE Microgen, Inc.*, 283 F.R.D. 142, 147 (S.D.N.Y. 2012)

- c. Deadline for Amending Pleadings: To the extent Plaintiffs intend to add claims under the California Private Attorneys General Act, Cal. Lab. Code § 2698 *et seq.* (“PAGA”) and substitute certain class representatives, the deadline for Plaintiffs to move for leave to amend their pleading, which Defendant will oppose, is May 31, 2022.

Non-expert Discovery Deadline: January 31, 2023.

Expert Discovery: The parties anticipate retaining experts relating to damages issues.

Deadline by which the disclosures of the identities and reports of experts required by Rule 26(a)(2) will be made: March 31, 2023.

Deadline by which the disclosures of the identities and reports of rebuttal experts will be made: May 15, 2023

Deadline by which reply reports will be made: June 15, 2023.

Deadline to complete expert depositions: June 30, 2023.

On or before June 30, 2023, the parties shall file a letter on ECF stating whether they intend to file a summary judgment motion. If they do so, the Court will set a deadline at the time for the filing of such motions.

- 4. **Discovery Limitations:** A Confidentiality Agreement and Protective Order was entered by the Court on November 20, 2020 (ECF No. 169).
- 5. **Discovery Issues:** The parties do not have any discovery issues to raise with the Court at this time.

6. **Anticipated Length of Trial:** 10 trial days.
7. **Mediation:** The parties shall write to the Court if a time comes when both sides wish to participating in court-sponsored mediation or a settlement conference.
8. All discovery (including requests for admission and any applications to the Court with respect to the conduct of discovery) must be initiated in time to be concluded by the deadline for all discovery. Any application for an extension of the time limitations herein must be made as soon as the cause for the extension becomes known to the party making the application and in accordance with this Court's Individual Practices. Any application not in compliance with this paragraph will be denied. To the extent a party expects to produce electronically stored information, the parties shall promptly discuss the protocols for the search and review of such material.

Dated: April 11, 2022
New York, NY



GABRIEL W. GORENSTEIN
United States Magistrate Judge